Copy for Mysore State.

Secrl. 21-27—85,000 31 10 50.

P SE

Home (1953) Department.

Rt. SERIES.

Passed
8/7/53

G.O. NO. Rt. 2458

Dated 15.7.53

FOR MYSORE STATE

[Despatch Abstract.]

Government of Madras
Abstract.

Motor Vehicles - Stage carriages - Regional Transport Authority, Cuddapah - Permit of bus MDD 506 - Suspended by Regional Transport Officer for two months - Appeal dismissed by Secretary, Central Road Traffic Board - Revision petition to Government - Reduction in the period of suspension to two weeks - Ordered.

Home Department

G.O.Rt.No.2458. dated 15th July, 1953

Read the following:--

From Sri P. Obul Reddi, revision petition dated 2-6-1953.
From the Secretary, Central Road Traffic Board, letters No.33549-A3-53 dated 18-6-53 and 3-7-53.

Order:--

In his proceedings dated 20-2-53, the Regional Transport Officer, Cuddapah suspended the permit of Bus MDD 506 for two months for offences of (i) non-issue of tickets to the passengers (ii) over-loading the bus by nine passengers and (iii) the Registration Certificate and the Insurance Certificate not being carried in the bus, when checked by the District Superintendent of Police, Jammalamadugu on 17-1-52 near Saliveadla. The appeal preferred to the Central Road Traffic Board was dismissed by the Secretary, Central Road Traffic Board in his proceedings dated 30-4-53. Against this order of the Secretary, Central Road Traffic Board the petitioner has come up to Government in revision.

2. The Government have examined the case with reference to the revision petition cited, the connected records and the history sheet of the petitioner. In this case the offences for which the permit of the bus was suspended were committed by the previous owner before the vehicle was transferred to the petitioner herein. The Government consider that transfer of permit cannot neutralise infringements and their punishment, but however they consider that the period of suspension for 2 months is excessive in this case. The Governor of Madras therefore directs that the period of suspension of the permit, be reduced to two weeks. The revision petition is allowed only to this extent.

3. The stay ordered in Memo.No.117755/Transport.II/53-1, Home, dated 4-6-53, is hereby vacated.

O. Pulla Reddi,
Secretary to Government

To Sri P. Obul Reddi, through Sri C. Kondiah, Advocate, 48, Law Chambers, High Court, Madras-1.
To The Regional Transport Officer, Cuddapah.
To The Secretary, Central Road Traffic Board, Madras-8 with records in original.

/True Copy/
Forwarded/By Order

tcb/23/7. Superintendent.

Government of Madras
Home Department.

**

Memorandum No.117755/Transport.II/53-2 dated 15th July, 1953.

Motor Vehicles - Stage carriages - Regional Transport Authority, Cuddapah - Bus No.MDD 506 - Permit suspended for two months by Regional Transport Officer - Appeal dismissed by Secretary, Central Road Traffic Board - Transfer of permit while suspension of the permit is pending.

Ref:--G.O.Rt.No.2458, Home, dated 15-7-1953.

***

The Government consider that the circumstances under which the permit is reported to have been allowed to be transferred to Sri P. Obul Reddi as stated in his letters No.33549/A3/53 dated 18-6-53 and No.33550/A3/53 dated 18-6-53 do not warrant a departure from the instructions issued in G.O.Ms.No.1603, Home, dated 25-4-51. The Secretary, Central Road Traffic Board is requested to instruct the Regional Transport Officer, Cuddapah accordingly.

O.Pulla Reddi,
Secretary to Government.

To

The Secretary, Central Road Traffic Board, Madras-3.
The Regional Transport Officer, Cuddapah.

/Forwarded/By Order

tcb/23/7. Superintendent.

Extract from C.No.117755/Transport.II.

Motor Vehicles - Stage Carriages - Regional Transport Authority, Cuddapah - Permit of bus MDD 506 - Suspended by Regional Transport Officer for two months - Appeal dismissed by Secretary, Central Road Traffic Board - Revision petition to Government.

From Sri P. Obul Reddi, revision petition dated 2-6-53.
(Issued as Memo.No.117755/Transport.II/53-1 d/4-6-53)
From the Secretary, C.R.T.Bd., Lr.No. 33549-A2-53 dated 10-6-53.
(Issued as T.M. dated 27-5-53).
From the Secy., C.R.T.Bd., Lr.No. 33549-A3-53 d/3-7-53.

Abstract of the Case.

District.	Cuddapah.
Bus No:	MDD. 506
R.T.O's Order:	Suspended the permit of bus MDD 506 for two months.
Secy,C.R.T.Bd's Order:	Appeal dismissed.
Petition to Govt:	From Sri P. Obul Reddi to set aside the orders of the Secretary C.R.T.Bd. and for stay.

...

** **

4. Under the instructions issued in G.O.Ms.1603, Home, dated 25-4-51, the transfer of a permit under Sec.59(1) of the M.V.Act, 1939 should not be allowed while action is being taken for the suspension or cancellation of the permit or during the period for which an order suspending or cancelling the permit is in force. The R.T.O. is stated to have allowed the transfer of permit in the name of the petitioner only on his giving a specific undertaking that he is responsible for all the liabilities pending against the permit of the said bus on the date of transfer of permit in his name and that he will undergo all the penalities pending imposition on the permit on the said date. On the face of this undertaking given by petitioner the contention at A above is not tenable and the petitioner may be considered as infructious. While giving the undertaking referred to above, it is not possible that the petitioner would not have been aware of the fact that action is being taken against the previous owner of the vehicle for some offence committed by him.

As regards B above, Legal Department have held in another file that permits of vehicles can be cancelled or suspended even after the transfer of vehicles, for offences committed by the previous owner. In this connection it may be noted that in another case, it was held that subsequent transfer of the permit should be treated as an extenuating circumstance in reducing the period of suspension.

5. In this case the Regional Transport Officer has held that the offence committed (by the previous owner) was accepted in the absence of any explanation from the previous owner. The Secretary, C.R.T.Bd. has agreed with the finding of the R.T.O. The history sheet of the petr. shows a 'severe warning' in 1950 and a suspension in 1951.

p.t.o.

There is also a suspension for an offence of overloading etc. on 24-4-53. In the circumstances of the case, as set out in para 4 above, the file may be circulated to M(I.&.L) for orders (i) whether the petition will be allowed and the orders of the Secy. C.R.T.Bd. set aside, or (ii) whethe the period of suspension will be reduced, and if so, to what period, or (iii) whether the petition will be rejected and the stay vacated.

The R.T.O. should not have taken action about the transfer of the permit till the punishment was suffered. This may be pointed out to the R.T.O.

In view of 'A' above, the period of suspension may perhaps be reduced to two weeks.

"J.J.R/8-7-53".

Neither in law nor on the facts, can the transfer of the permit, neutralise infringements and their punishments. A responsible Police Officer (Dy.S.P) has been in charge of this case. But the transfer can perhaps be only canvassed for imposing a lesser punishment. The period of punishment may be reduced to two weeks.

"J.S/8-7-53"

M (I.&.L):

Period of punishment reduced to two week.

(Incidentally is there any evidence to show that the petitioner, as mentioned by R.T.O. at the time of transfer, agreed to bear the punishments inflicted on the previous owner)

"U.Krishna Rao/11-7-53"

A draft order and a draft memo with ref. to M on p.3 ante are subd. } Both drafts approved and to use. J.S/15-7-53.

With ref. to the query of M(I&L) at A above, it is subd. that the petr. has given a written undertaking, while applying for the transfer of permit of the vehicle in question that he is responsible for all the liabilities pending against the permit of the said bus on the date of transfer of permit in his name and that he will undergo all the penalities pending imposition on the permit on the said date. A copy of the undertaking referred to above is at p.15 c.f. and at p.15 c.f. of L.F. It seems the file may be recirculated to M(I&L), with ref. to his query at A overleaf, after issue of the drafts below. } The L.F. to be linked and to be subd. to M(I.&.L) for inform. J.S/15-7-53

For orders.

"J.J.R/15-7-53"

"J.S/15-7-53"

(a. i.*) M. (I&L).

I have already reduced punishment to two weeks. No action need be taken on my query.

"U.Krishna Rao"/19-7-53.

*Issued as G.O.P.2458, d/15-7-53. and Memo.No. 11775/Tr.II/53-2 d/-15-7-53.

Please see H(I.S.L)'s note above. The file may be closed with the G.C. at pp.27-28 c.f.

"J.J.R/21-7-53"